



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2002-13**

May 8, 2002

Mr. Raymond Villetta
Farmers Lane Association
PO Box 297
West Ossipee, NH 03890

RE: DES Wetlands File #2001-02363 Ossipee Lake Rd, Freedom

Dear Mr. Villetta

On April 8, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Freedom Tax Map 20 as Lot 4 (the "Property"). The purpose of the investigation was in response to a complaint filed with DES and to determine compliance with RSA 482-A, the New Hampshire Wetlands Law and NH Code of Admin. Rules Wt 100-700.

During the inspection and further file review DES personnel determined that:

- The lakeward end of a drainage swale along the southern edge of the Property shows evidence of erosion along the immediate shoreline.
- 2 Rocks have been placed in Ossipee Lake to create two small jetties, approximately 5 feet long, without a permit from DES.
 - 3 DES has not received a reply to the letter, dated December 13, 2001, for potential violations on property owned by Farmers Lane Association.

In response, you are requested to take the following actions

- Within 20 days of receipt of this Letter of Deficiency, remove the rocks by hand from Ossipee Lake, and place them outside of DES Wetlands jurisdiction.
- 2 Within 20 days of receipt of this Letter of Deficiency, submit a plan to DES for review and approval, to restore the eroded section of shoreline along the drainage swale.
 - 3 Implement the plan only after receiving written approval and as conditioned by DES.
 - 4 Submit within 10 days of completing all requested work a cover letter with photos documenting that you have brought the property in compliance with this Letter of Deficiency.

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit,

this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should include the file number 2001-2363 and be addressed as follows:

Jeffrey D. Blecharczyk, Shoreline Investigator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Mary Ann Tilton

Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0689 0046

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Freedom Conservation Commission
Freedom Board of Selectmen
David Killoy, USACOE
File # 2001-2363